

THE SENATE



SENATOR
PATRICIA L. BIRKHOLZ
Chair

Committee on Natural Resources and Environmental Affairs

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Minutes of the Standing Committee on Natural Resources and Environmental Affairs

Wednesday, February 21, 2007

1:00 p.m.

Room 110, Farnum Building

The Senate Standing Committee on Natural Resources and Environmental Affairs was called to order by Senator Patricia Birkholz, Chair.

Senator Mike Prusi from the Thirty-eighth District led the members of the committee in the recital of the *Pledge of Allegiance to the flag*.

The Clerk called the roll; **members present were Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi. (5/5)**

The Chair laid before the committee Senate Bill 47.

Senate Bill No. 47, entitled

A bill to provide for the establishment of a water improvement tax increment finance authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in water resources; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote water resource improvement; to create a board; to prescribe the powers and duties of the board; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

Senator Allen, the bill sponsor, explained the bill to committee members.

James McBryde, Director of Legislative Affairs for the Michigan Economic Development Corporation, submitted a testimony card in support of the bill, but did not wish to testify.

The Chair laid before the committee Senate Bill 115.

Senate Bill No. 115, entitled

A bill to amend 2003 PA 226, entitled "Joint municipal planning act," by amending sections 5 and 7 (MCL 125.135 and 125.137).

Bob Wilson, Senate Majority Policy Analyst, explained the amendments to the committee members.

The following individuals submitted testimony cards in support of the bill, but did not wish to testify:

James Clift, Policy Director for the Michigan Environmental Council,
Andrea Brown, Executive Director of the Michigan Association of Planning, and
Robin Norton, Legislative Analyst for the Office of Policy and Legislative Affairs in the Department of Labor and Economic Growth.

Senator Birkholz offered the following amendments to Senate Bill 115:

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"TITLE

An act to provide for joint land use planning and ~~the joint exercise of certain zoning powers and duties~~ **ZONING** by local units of government; and to provide for the establishment, powers, and duties of joint planning commissions and zoning boards of appeals."

2. Amend page 4, following line 10, by inserting:

"(4) THE PARTICIPATING MUNICIPALITIES, WITH THE JOINT PLANNING COMMISSION ACTING AS THE ZONING COMMISSION, MAY EACH ADOPT A JOINT ZONING ORDINANCE THAT AFFECTS THE JURISDICTIONAL AREA OF THE JOINT PLANNING COMMISSION AND PROVIDES FOR THE JOINT ADMINISTRATION OF THE JOINT ZONING ORDINANCE, INCLUDING, BUT NOT LIMITED TO, A JOINT ZONING BOARD OF APPEALS."

Senator Van Woerkom moved to adopt the amendments to Senate Bill 115.

Senator Patterson supported the motion.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi, (5/5)

Nays: None. (0)

Senator Van Woerkom moved to report Senate Bill 115 with the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Senator Patterson supported the motion.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi, (5/5)

Nays: None. (0)

Senator Van Woerkom moved that the committee further recommend that the bill be given immediate effect.

Senator Patterson supported the motion.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi, (5/5)

Nays: None. (0)

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Chair laid before the committee Senate Bill 83.

Senate Bill No. 83, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43540e.

Trevor Van Dyke, Legislative Assistant for Senator McManus, explained the substitute for the bill to committee members.

Senator Patterson moved to adopt the substitute (S-1) for Senate Bill 83.

Senator Van Woerkom supported the motion.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi, (5/5)

Nays: None. (0)

The following individuals submitted testimony cards in support of the legislation, but did not wish to testify:

Rodney Stokes, Legislative Liaison for the Department of Natural Resources,
James Clift, Policy Director for the Michigan Environmental Council, and
Doug Novak, Director of Government Affairs for the Department of State.

The Chair laid before the committee the minutes of February 14, 2007.

Senator Patterson moved to adopt the minutes of February 14, 2007 as printed.

Senator Basham supported the motion.

By unanimous consent, the minutes were adopted as printed.

The Chair laid before the committee Senate Bill 89.

Senate Bill No. 89, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11117 and 11120 (MCL 324.11117 and 324.11120), as amended by 1995 PA 61.

Senator Basham, the bill sponsor, explained the bill to the committee members. Following his explanation of the bill, Senator Basham addressed questions from committee members.

Andrea Cascarilla, Legislative Assistant for Senator Basham, answered questions from committee members.

Michael Johnston, Director of Regulatory Affairs for the Michigan Manufacturers Association, testified in opposition to the bill. Following his remarks, Mr. Johnston responded to questions from committee members.

Carol Linteau, Legislative Liaison for the Department of Environmental Quality, and George Buchman, Chief of the Waste and Hazardous Materials Division of the Department of Environmental Quality, testified in support of the bill. Ms. Linteau addressed questions from committee members.

Andy Such, representing the Michigan Chemistry Council, testified in opposition to the bill. Mr. Such answered questions from committee members following his testimony.

Doug Roberts, Director of Environmental and Regulatory Affairs for the Michigan Chamber of Commerce, testified in opposition to the legislation. Following his remarks, Mr. Roberts responded to various questions from committee members.

The following individuals submitted a testimony card in opposition to the bill, but did not wish to testify:

Nell Kuhnmuensch, Director of Governmental Consultant Services, representing the EQ Company; and

Janessa Stroud, Program Coordinator-Public Policy and Government Affairs for the Grand Rapids Area Chamber of Commerce.

Melissa Trustman, Senior Director of Government Relations for the Detroit Regional Chamber submitted written testimony in opposition to the bill.

The Chair laid before the committee Senate Bill 206.

Senate Bill No. 206, entitled

A bill to provide for county, township, city, and village planning; to provide for the creation, organization, powers, and duties of local planning commissions; to provide for the powers and duties of certain state and local governmental officers and agencies; to provide for the regulation and subdivision of land; and to repeal acts and parts of acts.

Bob Wilson, Senate Majority Policy Analyst, explained the substitute (S-1) to the committee members.

Senator Patterson moved to adopt the substitute (S-1) for Senate Bill 206.

Senator Van Woerkom supported the motion.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi, (5/5)

Nays: None. (0)

Senator Birkholz offered the following amendment to Senate Bill 206 (S-1):

1. Amend page 2, line 19, after “member” by striking out “ with or without full voting rights” and inserting a comma and “with full voting rights unless otherwise provided by charter.”.

Senator Van Woerkom moved to adopt the amendment to Senate Bill 206 (S-1).

Senator Patterson supported the motion.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi, (5/5)

Nays: None. (0)

Senator Birkholz offered the following amendment to Senate Bill 206 (S-1):

1. Amend page 17, line 27, after “following” by striking out the balance of the line and inserting a colon.

Senator Van Woerkom moved to adopt the amendment to Senate Bill 206 (S-1).

Senator Patterson supported the motion.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi, (5/5)

Nays: None. (0)

Senator Birkholz offered the following amendment to Senate Bill 206 (S-1):

1. Amend page 14, line 3, after “body” by striking out the balance of the line through “necessary” on line 4.

Senator Van Woerkom moved to adopt the amendment to Senate Bill 206 (S-1).

Senator Patterson supported the motion.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi, (5/5)

Nays: None. (0)

Senator Van Woerkom moved to report Senate Bill 206 with the recommendation that the substitute (S-2) be adopted and that the bill then pass.

Senator Patterson supported the motion.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi, (5/5)

Nays: None. (0)

Senator Patterson moved that the committee further recommend that the bill be given immediate effect.

Senator Basham supported the motion.

The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Birkholz, Van Woerkom, Patterson, Basham and Prusi, (5/5)

Nays: None. (0)

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The following individuals submitted testimony cards in support of the bill, but did not wish to testify:

James Clift, Policy Director for the Michigan Environmental Council;

Andrea Brown, Executive Director of the Michigan Association of Planning;

Rodney Stokes, Legislative Liaison for the Department of Natural Resources;

Andy Schor, Legislative Associate for the Michigan Municipal League;

Brad Comment, Legislative Coordinator for the Michigan Association of Counties;

Brian Westrin, Manager of Legal Affairs for the Michigan Association of Realtors; and

Robin Norton, Legislative Analyst for the Office of Policy and Legislative Affairs in the Department of Labor and Economic Growth.

There being no other business before the committee; **Senator Van Woerkom moved to adjourn.**

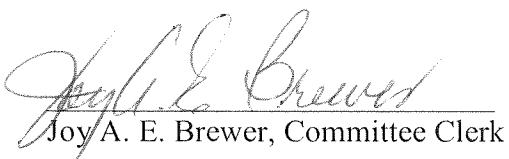
Senator Basham supported the motion.

The motion prevailed, the time being 2:17 p.m.

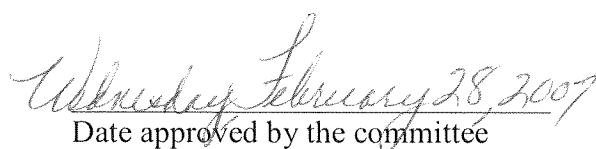


Patricia L. Birkholz, Chair

Senate Standing Committee on Natural Resources and Environmental Affairs



Joy A. E. Brewer, Committee Clerk



Date approved by the committee